

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated February 9, 2006 (hereinafter Office Action) have been considered. Claims 1-35 remain pending in the application. Claims 5 and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The conditional allowability of Claims 5 and 30 is acknowledged, and the Applicants thank the Examiner for favorable consideration of these claims. Reconsideration of the pending claims and allowance of the application in view of the present amendment and response is respectfully requested.

Claims 1-4, 6-29 and 31-35 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2002/0037723 by Roach (hereinafter *Roach*). In response to remarks made by the Applicants in the previous Office Action Response, the Examiner states on paragraph 4 of the Office Action that “the claims do not claim the presence information relates to time, location, and/or situation where users are, or are not, willing or able to accept incoming connections.” The Applicants respectfully disagree. According to MPEP § 211.01, “the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification.” The Applicants submits that the meaning of “presence information,” as used in the Specification and as is known in the telecommunication arts, is different than location information as described in - *Roach*. Therefore, the Applicants respectfully submit that the claims as originally filed are not anticipated by *Roach*. However, in order to facilitate prosecution of the application, the Applicants present this response with amendment to clarify particular aspects of the claimed invention.

Claims 1, 15, 26, 31, and 35 have been amended to indicate that presence information indicates conditions under which the user may be contacted. Applicants submit that these amendments are fully supported in the Specification as originally filed (see, e.g., (p. 2, lines 1-2 of the Specification). In light of these amendments and remarks presented herein, Applicants submit that Claims 1, 15, 26, 31, and 35 are allowable over *Roach*.

Roach generally discloses a procedure for “updating service profile information ... between two nodes interconnected by an IP (Internet Protocol) network using existing IETF protocols after initial registration has been performed.” (para 0097). *Roach* describes the service profile as containing “service parameters or triggers” that are required to utilize a particular service (para. 0097). These service parameters or triggers do not, either expressly or inherently, describe conditions under which the user may be contacted. Additionally, the Examiner stated in the Office Action that *Roach* teaches that “users can register and change their location by informing the server of his current location.” (para. 4). While Applicants do not acquiesce with this characterization of the teachings of *Roach*, nonetheless Applicants point out that registering and changing a location, by itself, does not expressly or inherently describe conditions under which users may be contacted. Because *Roach* is silent on this aspect of independent Claims 1, 15, 26, 31, and 35, these claims are allowable over *Roach*.

Additionally, *Roach* is silent as to using presence information service profile for routing requests. *Roach* only describes the service information as being used for “executing or triggering services.” (para. 0101). *Roach* is silent as to the uses of the service profile for routing because *Roach* is only concerned with mechanisms that update the service profile after the initial registration (paras. 0099 – 0100). In contrast to Applicants’ Claims 1, 15, 26, 31, and 35, *Roach* routes messages using the standard method of routing requests to a user based on the Contact header of a SIP REGISTER. For example, “[t]he CI host will create a local record of where it should forward messages intended for the user, derived from the Contact header.” (para. 0166). *Roach* describes querying a HSS/LS to “determine which host to contact as the CI host.” (para. 0214). *Roach* describes the LS as “the functional part of the HSS that maintains the location of the user's Serving Call Instance (CI) host.” (para. 0056). The LS determines this location based on the CI host’s “most recent registration.” (para. 0219). Therefore, *Roach* merely describes using the HDD/LS to determine location of the CI host as defined by the last registration of the CI host, and *Roach* is silent as to any use of presence information to determine routing. For this additional reason, *Roach* fails to anticipate Claims 1, 15, 26, 31, and 35.

As to the remaining claims, Applicants note that dependent Claims 2-4 and 6-14 ultimately depend from independent Claim 1; dependent Claims 16-25 ultimately depend from independent Claim 15; Claims 27-29 ultimately depend from independent Claim 26; and dependent Claims 32-34 ultimately depend from independent Claim 31. These dependent claims also stand rejected under 35 U.S.C. §102(e) as being anticipated by *Roach*. Applicants' still maintain the arguments as to the patentability of the dependent claims made in the prior Office Action Response. While Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions of inherency, these rejections are now moot in view of the remarks and amendments made in connection with independent Claims 1, 15, 26, 31, and 35. These dependent claims include all of the limitations of the base claim and any intervening claims, and recite additional features which further distinguish these claims from *Roach*. Therefore, Applicants respectfully submit that dependent Claims 2-4, 6-14, 16-25, 27-29, and 32-34 are also in condition for allowance.

Authorization is given to charge Deposit Account No. 50-3581 (NOKM.066PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

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